84-1976

Supreme Court, U.S.
FILED
JUN 20 1985
ALEXANDER L. STEVAS
CLERK

IN THE

Supreme Court of the United States

October Term, 1985

No. #.....

VENOLA WALTON,

Petitioner, Plaintiff, Appellant

-v-

SMALL BUSINESS ADMINISTRATION

Defendant, Appellee, Respondent

A PETITON SEEKING AN EXTRAORDINARY WRIT OF MANDAMUS AND PROHIBITION IN THE ALTERNATIVE FOR A REDRESS FOR VIOLATIONS OF CONSTITUTIONAL GUARANTEED RIGHTS, RELIEF FROM FINAL JUDGMENT.

VENOLA WALTON
Petitioner, Plaintiff, Appellant
539 West 148th Street
New York, N.Y. 10031

Petitioner,
Representing Myself

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50 pp

QUESTION PRESENTED

Whether the Small Business Administration intentionally discriminated against me, denied me an economic opportunity loan to improve and expand my business in 1965. Engaged in a conspiracy and fraud, placed false documents in my SBA file, would not allow work to come into my shop, denied me all of the oportunities and advantages provided for under the economic opportunity act of 1964, violated the constitutionality of that act and violated my constitutional rights, and was condoned by the courts.

And whether the Defendant and the Judge engaged in conspiracy, fraud, and discriminatory practice to hinder, and defeat the due course of justice. And denied the Petitioner her right to trial by jury, to argue the facts and issues in a court of law and prevented her from redress.

And whether, when this case was filed in the United States District Court in New York, and was accompanied by documents and exhibits which substantiated my charges and claims, were purposely and continuosly ignored by the courts, to deny me my Constitutional Right to redress for agencies wrong doings? And did the court deny the petitioner's 1st, 7th and 14th Amendment Rights of the constitution of these United States, violate those laws.

Because the wrong doings was by a Federal Agency this case was brought under the *Federal Tort Claims Act.* and is governed by the provisions there of, and is governed by Federal *Rule 56,* the Federal Rule of Civil Procedure. Did the Trial Court conduct the case as to the constitutionality of this act complied with the provisions ther of and to the provisions of Rule 56 or did they award final judgment based on fraud, denied the opportunity to examine the defendant's alligations in a court of law, mandate a demand by the petitioner to be examined on the facts and issues upon which this judgment was founded.

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Federal Civil Rights Act (42 USC 1985) Chapter 7

Federal Tort Claims Act Title 4, Sec. 403 (b)

Moore's Federal Practive Vol. 6, Part 2, Rule 56-25, An Act of (Ca3d Congress 1974) 490 F2d 1360-1371 n6

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USC-701, Title 5, Applications, Definitions

USC Annotated, Title 15, 634, Administrative powers

U.S. Code Annotated, Title 28, Judiciary—Judicial Procedure 2281-2500, Sec. 2403 p. 389

28 USC 1252

Supreme Court Practice, Third Edition, Sec. 2-5

Rel. (16-1971) (Moore F.P.) page 510 35 Hazel & Atlas Glass Co. v. Hartford Empire 1944 322 U.S. 238, 246

Prosser on Torts at 950-95 (3d ed. 1964)

*42 U.S.C. 2901, 2903, 2905, and 2906; Economic Opportunity Act of 1964, as amended, sections 401-404; Public Law 88-452, as amended; 78 Stat. 526.

Federal Rule of Civil Procedure Rule 60 (b), 6 of Subdivision (b)

Rule 56, 38
28 U.S.C. § 2675
28 U.S.C. § 1346 (b)
28 U.S.C. § 1252

AUTHORITIES CITED

The Federal Civil Rights Act (42 USC 1985) Chapter 7

It gives every citizen involved in litigation the right to be free of conspiracy "for the purpose of impending, hindering, obstructing, or defeating in any manner the due course of justice in any State or Territory, with intent to deny to any citizen equal protecttion of the laws, or to injure him or his property, for lawful enforcing or attempting to enforce, . . . of any persons, or class of persons, to the equal protection of the laws."

(1985-97) (3) "Equality,"— the right to be free from a denial of equal protection in employment and business opportunities is protectable under this subsection. To illustrate: "An action was held to lie when city officials intentionally discriminated against a Negro Liquor License holder and revoked his license."

The Circuit Court of Appeals has also held that an architect stated a cause of action under this subsection when he alleged a conspiracy of city officials subjecting him to unlawful discrimination in regularly and deliberately denying his application.

The Court of Appeals ruled there was no cause of action when the defendant in a civil suit had allegedly misappropriaged exhibits, introduced perjured testimony and made untrue and slanderous statements about the plaintiff.

42 U.S.C. 2901, 2903, 2905, and 2906; Economic Opportunity Act of 1964, as amended, sections 401-404; Public Law 88-452, as amended; 78 Stat. 526.

Federal Rule of Civil Procedure

Rule 60 (B), 28 U.S.C. § 2675

28 U.S.C. £ 1346 (B)

Federal Rule 56

Federal Tort Claims Act.

Part 3 — Suits on Tort Claims against the United States

"Sec. 410—(A) Subject to the provisions of this title, the United States District Court wherein the plaintiff is resident, or wherein the act or omission complained of occurred, including the United States district courts for the territories and possessions of the U.S., sitting with or without a jury, shall have exclusive jurisdiction to hear, determine and render judgment on any claim against the United States, for money only occurring on and after January 1, 1945, on account of damage to or loss of property or on account of personal injury or death caused by the negligent or worngful act or ommission of any.

*"Rule (56) clearly establishes that there are genuine issues of material facts that must be tried in this suit. Plaintiff was deprived of her constitutional rights to operate my business.

"The moving party have the burden of clearly establishing that there is no genuine issues of material facts; the record must be adequate for the legal decision involved, and substantive legal principles must warrant judgment for the party in whose favor it is rendered. When these principles are satisfied summary may be rendered for the claimant or for the defending party."

Pursuant to the Federal Rule 56 there can be no bar in this action.

Rule 56 holds in every instance that the record must be factually accurate, that there is no genuine issues of material fact, for the granting of summary judgment. Rule 56-(58)—The Statute—a defending party may move for summary judgment on the basis of the statute of limitations. There is authority that if the defendant first files an answer and fails to plead the statute of limitations, and then later moves for summary judgment on the basis of limitation, his motion must be denied on the theory that he has waived the defense and cannot therefore avail himself or it unless relieved by appropriate actions.

Federal Rule 56

Summary judgement should have been denied. Rule 56, page 738, states while a defendant would be entitled to summary judgment on the basis of one good affirmative defense that does not involve a triable issue of fact, summary judgment must be denied where there is a triable issue of fact in connection with each affirmative defense upon which the defendant's motion is predicated. The statute of limitation cannot apply in this suit.

Prior to filing this suit in the U.S. District Court in New York, plaintiff filed a complaint with the Small Business Administrator, Mr. Thomas S. Kleppe on August 11, 1975. They investigated, and sent me their findings.

I informed them that their findings had many false statements and had omitted many facts that needed to be brought out for justice to be done. They then requested that I send them what facts I alleged as false and what proof I had of such. I refused to send them my proof. I requested a hearing to present it in person. The Administrator's office ignored my request, after several letters were transmitted between us.

I then went to the Civil Liberty Union. I told them what had transpired theretofore, and told them I would not send them any proof unless I am able to go into the Small Business Administration office and review my file. It was through their office than an appointment was made for me to review my file.

I went to the SBA'S office and reviewed that information and was given copies of it. Washington's SBA office closed my case after the appointment was made for me to review my file. I prepared the information the SBA in Washington had requested and mailed it to them and requested that they reopen my case.

They refused to reopen my case, stating that they found no wrongdoings by the SBA in New York. The question is substantial because this was the information the SBA in Washington had sent me in their findings, and gave as the

reason my loan was denied in 1965. My complaint, these findings, and the letters, were filed in the U.S. District Court for the Southern District in New York, along with my documented proof of Agency's wrong doing, in the nature of cancelled checks, SBA form No. 389, payment transactions, health, welfare and severance fund reports, and other documents, proving that the Small Business Administration intentionally and maliciously discriminated against me.

Petitioner contends, a complaint was filed with the administrator, Mr. Kleppe, in Washington, D.C. They sent me their findings. SBA closed my case and would not reopen it after gaining knowledge of agency wrong doings.

The Small Business Administration unlawfully discriminated against me, engaged in a conspiracy and fraud, destroyed my business and profession, and character, and deprived me of all of the opportunities and advantages provided for by the laws deprived me of economic growth.

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1985

NO. _____

VENOLA WALTON,
Plaintiff, Apellant, Petitioner
-vs-
Small Business Administration
Defendant, Apellee, Respondent

A PETITION SEEKING AN EXTRAORDINARY WRIT OF MANDAMUS AND PROHIBITION IN THE ALTERNATIVE FOR A REDRESS FOR VIOLATIONS OF CONSTITUTIONAL GUARANTEED RIGHTS, RELIEF FROM FINAL JUDGMENT.

The Petitioner seek Issurance of an extraordinary Writ of Manadamus, and Prohibition, to cease the oppression and persecution; and order a redress for violations of constitutional guaranteed rights, constitutional laws, statues and acts of Congress by the Defendant, Small Business Administration and the United States District Court, Southern District of New York 76 - CIV 3208 (JMC) and prohibit them from denying me these rights and protections under the laws through discriminatory practie in the courts.

Petitioner pray that writ of issue to review the order rendered by the United States court of appeals for the District of Columbia Circuit, entered on July 18, 1983. Appealed from the United States District Court for the District of Columbia, that court ordered that plaintiff's complaint for relief from judgment be dismissed, entered September 27, 1982, which was the judgment rendered by the United States District Court for the Southern District of New York, in 76 Civ. 3208 (JMC) entered January 23, 1978. The judgment was based on fraud, misprepresentation, etc.

Plaintiff had sought relief from judgment in the court which rendered the judgment, Relief denied, entered March 10, 1982. This is an extraordinary case. Relief, from Judgment, is sought by the Plaintiff because the defendant purposely and unlawfully destroyed my business and the court denied me the right to a trial to defend the same, denied me a redress for violations of constitutional rights by the court and the defendent.

The United States Court of Appeals, the second circuit of New York, and the United States Court of Appeals for the District of Columbia circuit, did not exercise its appellate power to grant relief for the wrong doings by the Defendant and the District Court of New York. They condoned the discriminatory practice to oppress and persecute me to cover up the wrong doings by the Defendant, Small Business Administration.

QUESTION PRESENTED

Whether the Small Business Administration intentionally discriminated against me, denied me an economic opportunity loan to improve and expand my business in 1965. Engaged in a conspiracy and fraud, placed false documents in my SBA file, would not allow work to come into my shop, denied me all of the oportunities and advantages provided for under the economic opportunity act of 1964, violated the constitutionality of that act and violated my constitutional rights, and was condoned by the courts.

And whether the Defendant and the Judge engaged in conspiracy, fraud, and discriminatory practice to hinder, and defeat the due course of justice. And denied the Petitioner her right to trial by jury, to argue the facts and issues in a court of law and prevented her from redr ess.

And whether, when this case was filed in the United States District Court in New York, and was accompanied by documents and exhibits which substantiated my charges and claims, were purposely and continuosly ignored by the courts, to deny me my Constitutional Right to redress for agencies wrong doings? And did the court deny the petitioner's 1st, 7th and 14th Amendment Rights of the constitution of these United States, violate those laws.

Because the wrong doings was by a Federal Agency this case was brought under the *Federal Tort Claims Act.* and is governed by the provisions there of, and is governed by Federal *Rule 56,* the Federal Rule of Civil Procedure. Did the Trial Court conduct the case as to the constitutionality of this act complied with the provisions ther of and to the provisions of Rule 56 or did they award final judgment based on fraud, denied the opportunity to examine the defendant's alligations in a court of law, mandate a demand by the petitioner to be examined on the facts and issues upon which this judgment was founded.

JURISDICTION

This suit is a civil action by the petitioner seeking an extraordinary writ to set aside a final judgment, seeks a redress for violations of Constitutional Guaranteed Rights. Jurisdiction of this court is invoked under rule 27 rules of the Supreme Court seeks issuance of an extraordinary writ of mandamus and prohibition and 28 UYC 1346 (b)

This case have invoked the jurisdiction of all the appropriate federal courts including the Supreme Court of the U.S. under Title 28 USC 1252 and under 28 U.S.C.A. 1254, the Federal Tory Claims Act. Title 4, Sec. 410-411, the Federal Civil Rights Chapter 7 (42 U.S.C. 1985).

One important constitutional question is whether plaintiff was unlawfully discriminated against, denied an Economic Opportunity loan to improve and expand her business by th eS.B.A. and tortiously interfered with plaintiff's business contracts. Prevented her from economic growth.

This suit involves the Economic Opportunity Act of 1964. And petitioner invokes that act, Rules 56, 60 (b) and (6) of subdivision (b) and 38, Federal Rules of Civil Procedure, and also the 1st, 7th, and 14th Amendments to the constitution of the United States for violation of constitutional rights and how the decision and judgment of the court applied the Constitutionality of the laws to the facts and issues that was before it.

THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NO. 83-1013

VENOLA WALTON
Plaintiff, Appeallant

-vs-

SMALL BUSINESS ADMINISTRATION
Defandant, Appelee,

The United States Court of Appeals affirmed on the opinion of the U.S. District Court for the District of Columbia, which upheld the United States District Court in New York, memorandum decision and judgment dismissed my complaint with prejudices, was entered July 18, 1983.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

76 Civil 3208 (JMC)

Judge John M. Cannella ignored my demand for a jury trial, with oral argument, and did not concern himself about the facts and issues in this case, or the substantial evidence I presented to support my charges and claim. I was ignored completely. The judge did not examine the facts and issues involved, and denied me my right to be heard. This case was never tried. Unable to get legal representation, I had to proceed pro se. However, I presented the facts and issues to the court but the judge refused to examine them, to cover up agency's wrong doings awarded the defendants, Small Business Administration, a judgment against me. The judgment was based on fraud, misrepresentation, misappropriated exhibits, perjured testimony and untrue and slanderous statements. And Judge Cannella, knowingly and intentionally, participated in perpetrating fraud upon the court. The plaintiff filed a

motion for relief from that judgment pursuant to Fed. Rule 60 (b) and 6 of subdivision (b) of Fed. Rules of Civil procedure. The motion was denied as being untimely filed.

ORDER OF UNITED STATES COURT OF APPEALS SECOND CIRCUIT, DATED JUNE 19, 1978

On consideration whereof, it is now hereby ordered, adjudged, and decreed that the judgment of said District Court be and it hereby is affirmed on the opinion of Hon. John M. Cannella, District Judge, in 76 Civ. 3208 (Jan. 17, 1978) in the accompanying exhibits.

THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA CIVIL ACTION NO. 82-1604

Pursuant to Federal Rule 60 (b) and (6) of Subdivision (b), plaintiff filed an independent action on June 10, 1982 for relief from a final judgment. The court dismissed plaintiff's complaint with prejudice. September 27, 1982. Plaintiff filed a petition for the judge to reconsider his decision. Dismiss dismissed with prejudice to his decision and the decision of the U.S. District Court for the Southern District of New York: "The decision must be interpreted as *res judicata.*"

IN THE SUPREME COURT OF THE UNITED STATES OCTOBER TERM

No. 78-809

VENOLA WALTON, Appellant

-vs-

SMALL BUSINESS ADMINISTRATION, Appellee

The opinion of the Supreme Court of the United States, Washington, D.C. 20543 treating papers as petition for writ of certiorari, certiorari denied Feb. 21, 1979. Petition for rehearing was timely filed, court denied the petition for rehearing April 16, 1979.

STATEMENT OF THE QUESTION

The United States count of appeals for the Second Circuit of New York, did not exercise its jurisdictional power and grant relief where the facts were admitted and where a trial of the facts was necessary. And in the latter situation, property act as a trier of the facts and judge of the laws. The court upheld the District Court's decision and judgment condoned the Defendant Small Business Administration wrong doings.

The petitioner contends that the wrong doings by the Defendant Small Business Administration cannot be condoned for any reasons. The issues in this case are of great public importance and concern. They are tampering with the Administration of Justice, in such a way it involves far more than an injury to me, a single litigant. It is a wrong against the institutions which are set up to protect and safeguard the public. The public's welfare demands that officers and agencies of public justice have high integrity and honest dealings. It appears to me that the defendant and the judge have so far departed from the standards of conduct, as to have perpetrated fraud upon the courts, in handling my case. This Civil Suit have invoked the jurisdiction of all the appropriate Federal Courts and the Supreme Court of the United States October Term, 1978, No. 78-809. I filed a direct appeal a jurisdictional statement with attached appendices jurisdiction of the Supreme Court to review the lower Court's decision by direct appeal is conferred by Title 28 - U.S.C. 1252 and in the Supreme Court again Oct. Term 1983. No. 83-709 and jurisdiction was involved under 28 - U.S.C.A. 1254. So this case have been in all the courts four times around with rehearings. I appeal to Congress for a special bill for redress May 4, 1984. Copies of that appeal was filed in the Supreme Court May 4, 1984 and a special appeal was made to Chief Justice Warren Burger, for a special review of the case. This case could not have found jurisdiction in these courts if it did not have validity. And relief cannot be obtained through any other

source. So the petitioner pray for Relief, A Redress, will be ordered by this court for violations of constitutional guaranteed rights.

The court refused to examine the constitutional questions involved and correct the wrong doings by the defendants, Small Business Administration.

The petitioner, Venola Walton demands to be placed on trial in open court to be examined and present evidence as to the facts and as to the laws. I demand to be tried on the records presented in the courts. The Records upon which The U.S. District Court's judgment was founded. The petitioner demands to be examined on the following:

1. My 1964 loan, and my alleged delinquent and later default.

2. My complaint filed with the Administrative Office in Washington D.C. in 1975 and their findings.

3. My 1965 loan application and the events which followed. The petitioner should not be denied her 14 amendment rights, the due process of the laws.

4. The Government memorandum of law and 9(g) statements and exhibits.

STATEMENT OF THE CASE

The Supreme Court Justice, the U.S. Attorney General, and the U.S. Department of Justices have the responsibility to evaluate what has gone on in the courts. Was I given a fair trial? Or did they proceed, with intent to defraud and cover up agency's wrong doings. The court's judgment was entered without giving me the opportunity to present my claim and defense. It was entered upon the cognovit notes of the defendant to avoid contending there was in fact no adversary trial or decision of the facts and issues. I the plaintiff was prevented from exhibiting fully my case by fraud and deception practiced on me by the defendant and the court, and prevented this case from ever going to trial for a real contest of the facts and issues involved.

The courts were prejudiced, bias unfair and discriminatory denied me my right to be heard, denied me a fair and legal civil trial, trial by a jury as provided for by both our Federal and constitutional laws. Summary dismissed my case, without examining the facts and evidence.

CREATIVE ABILITIES CRUSHED BY OPPRESSION AND PERSECUTION

God is not prejudice and does not discriminate. God uses the minds of all men and give to the world important ideas, inventions and discoveries to benefit all mankind.

I am presenting to this court an invention. I obtained patent rights on years before I opened my dress factory; and my business was to become the gateway for developing and promoting my invention. That is just one idea, I have others that are being crushed under the oppression and persecution of the defendant and the courts denying me my rights to redress depriving me of the opportunity to develop and achieve to my full potentials.

I have an important discovery, a neutralizer for nuclear fallouts and radiation, to survive a nuclear war and save human life. I need help in this matter. I am deprived of economic growth and development because I am "Black." This discovery is too important not to impart it to our Government, and ask for their help. I want this court to know, my economic interest does not begin or end with my dress factory, therefore I demand that the oppression and persecution end. I demand redress for violation of constitutional rights so I will be able to pursue my hopes and dreams, and realize my goals.

June 17, 1952 V. WALTON 2,601,0

COMBINED CLOTHES HANGER AND COMPARTMENT HOLDER

Filed May 25, 1950

Fig. 1

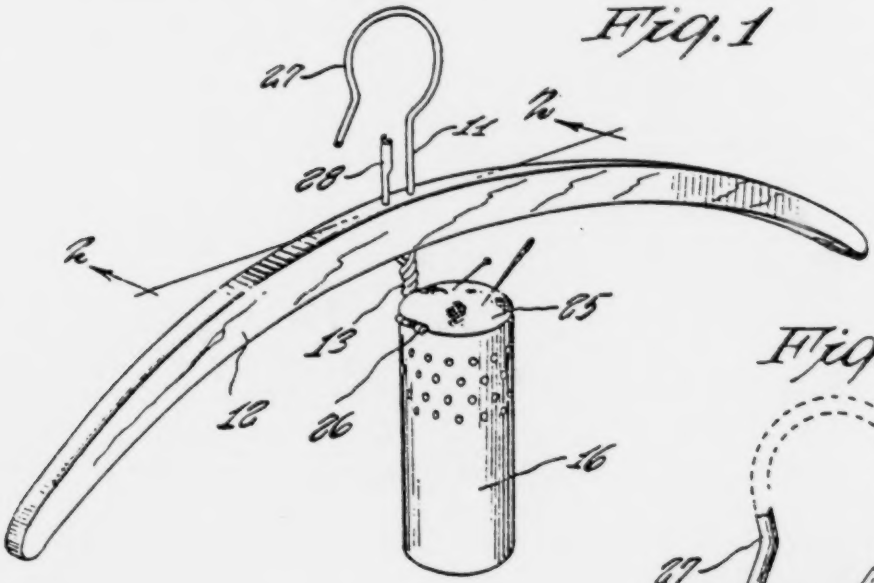


Fig. 4

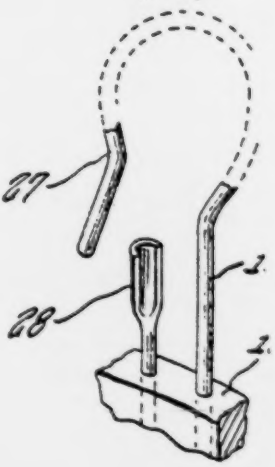


Fig. 2

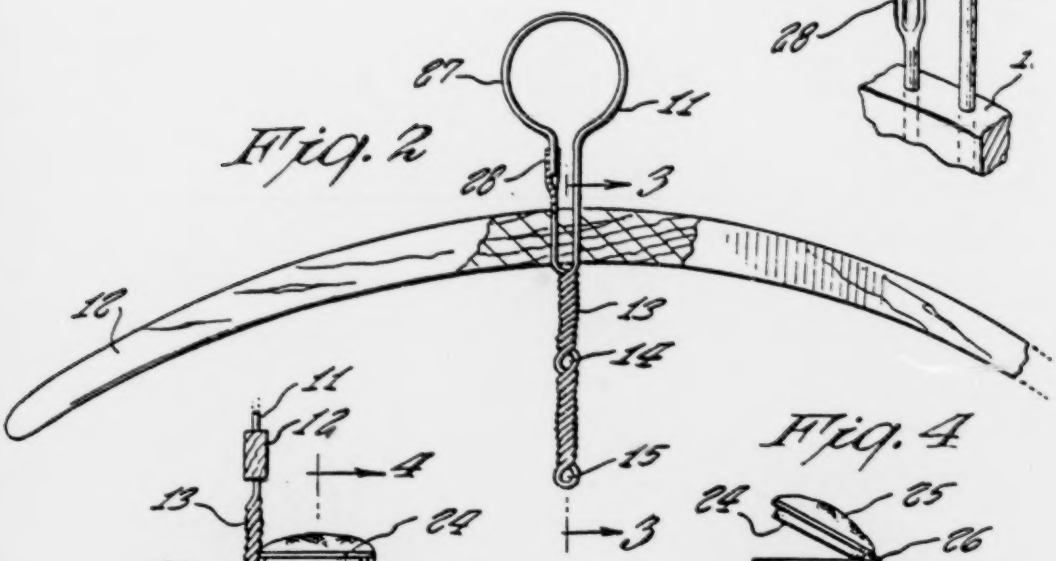


Fig. 3

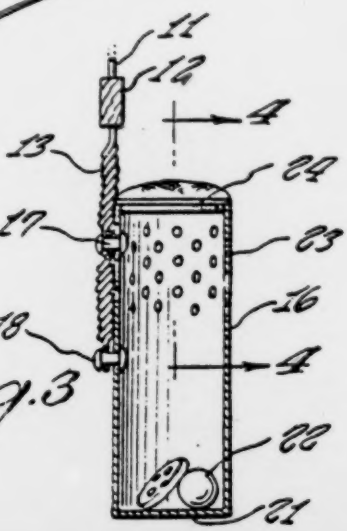
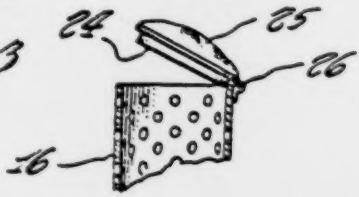


Fig. 4



INVENTOR.
VENOLA WALTON
BY
Carl Miller
ATTORNEY

The Facts Are:

1. The palntiff is a black woman who owned and operated a dress manufacturing and contracting business at 347 West 39th Street, New York, N.Y. I opened my business in May 1964. With my money, I made a job for myself and others, before Economic Opportunity Act of 1964 was passed to set up and aid minority businesses.

The Small Business Administration intentionally discriminated against me, engaged in conspiracy and fraud to prevent plaintiff, a black woman from operating a successful business, participating in the economic growth of our country. The defendant's actions raise questions for review.

The questions are so substantial because my Federal and Constitutional rights have been violated. I was denied the right to operate my business; I was denied the right to equal opportunities and protection provided for by the laws and equal protection under the laws in the courts.

The question is substantial because I am a productive citizen. I was producing, contributing to the economic growth of our country. I was giving jobs to the people and had a job for myself. The defendant destroyed that. And the courts have condoned their action and refused me a redress.

I am oppressed and persecuted by the Government Small Business Administration and the courts, to deny me my right to recover for the damages and losses caused by the Defendant, Small Business Administration wrong doings. The defendant held my application for an Economic Opportunity Loan over 6 months while they tortiously interferred with my business and business contracts to deplete my capital and destroyed my business in 1965.

DENIED EQUAL PROTECTION BECAUSE I AM BLACK

In the government memorandum of laws, the defendant acknowledged the wrong doings, attempts to cover up, make allowances, mandates to consider investigation for reasons other than to pay plaintiff, Venola Walton compensatory damages. The government and the courts have refused to deal with this case in an equitable manner, and make an equitable judgment, because I am a black woman.

The court did not judge my case on the facts and issues that was before it but rather, on the color of my skin. The validity of this case demands a redress by the government regardless to the color of the skin. "In the Government's memorandum of law they further admits that the jurisdictional basis for my claim entitles me to compensatory damages from small Business Administration, as a result of that agency's discriminatory denial of my 1965 and 1975 loan applications".

They further admits "the two causes of action in my discrimination claim are provided by 42 USC 1983 and is recognized by the Supreme Court, with the purpose of providing a redress for the violations of constitutional rights by government agent.

"The Government have labeled me as a known credit risk by virture of my default", and says it alone suffices to place the Small Business Administration decision far beyond the pale of "clear error". "Similarly, this fact alone provides the required rational basis for the small Business Administration's decision and the suggestion it was error to deny plaintiff's 1975 application, when her prior loan had to be charged of as uncollectable because plaintiff had defaulted and was deemed hopelessly judgment proof, is spacious in the extreme".

The petitioner, Venola Walton respectfully requests this court to place me on trial and examine me on the defendant's allegations, order the records in this case and examine the Constitutional Laws and Acts of Congress which are drawn into question. Examine the government's memorandum of laws & other documents filed by the Small Business Administration and their attorney which the court's judgment is based on, and from which relief is sought. I pray this court will make an equitable judgment in this suit and order a redress promptly. It is long overdue.

Where this is a federal agency of public trust had been trusted to work for and in the interest of my business, violated that trust automatically made the issues in this case by definition and in substance, genuine issues as to material facts, the facts are the subject of substantial controversy, because Judge Cannella refused to raise any of the issues, or examine any of the plaintiff's evidence on the facts and issues. The Judge completely ignored the important constitutional questions this case presented, denied my right to present my case in a court of law.

There was in fact no adversary trial or decision of the facts and issues. The plaintiff was prevented form exhibiting fully my case by fraud and deception practiced on me by the defendants, Small Business Administration and the court, and prevented this case from ever going to trial for a real contest of the facts and issues involved.

Federal rule 56, states while a defendant would be entitled to summary judgement on the basis of one good affirmative defense that does not involve a triable issue of fact, summary judgement must be denied where there is a triable issue of fact in connection with each affirmative defense upon which the defendant's motion is predicted. Summary judgement should have been denied.

REASONS FOR GRANTING WRIT OF MANDAMUS AND PROHIBITION

I filed a complaint with the Small Business Administrative Office in Washington, D.C. and I provided them with proof of agency's wrong doings, in the nature of cancelled checks, Small Business Administration form No 389, payment transaction, health, welfare and severance fund reports, and other documents, proving that the Small Business Administration in New York, intentionally and maliciously discriminated against me, denied me an economic opportunity loan, in 1965 to improve and expand my business, obstructed by livelihood, prevented me from economic growth and development to the fullness of my capacity. The Small Business Administrative Office failed to exercise its authority in the interest of my business, closed my case and would not reopen it, and declared no wrong doing by the defendant. I had no other recourse, but to file a suit in the Federal District Court in New York, after they had refused to give me any consideration. The courts have denied me the opportunity to present my case in a court of law, to suppress the truth from the public.

This was public funds, and if I have abused, misused or act ill-responsible with the funds, I demand that the public know I misused their money, if I default on my loan notes to the S.B.A. I demand that the defendant and the courts will no longer oppress me and tell the public I defaulted on my loan note and is deemed hopelessly judgement proof. I demand that they prove it to the public. The public has a right to know, that the S.B.A. destroyed my business, my character, my profession to keep me, a black woman from participating in our free competitive enterprise system, set up my S.B.A. files with false documents just 3 months after they granted me a token loan of $6,000 to gain access to my business, to destroy it.

This is my life, my whole future my every being locked up in the defendants, Small Business Administration and the U.S. District Court's decision, and final judgment in this case. The decision and judgment, have completely barred and abandoned me from participating in any public or private productive activities, of a business nature. And more important I have been deprived and cut off from making any kind of contribution to society, giving of myself, my creative abilities, developing, discovering and inventing, because of the business, economic and social injuries and injustices imposed on my by the defendant and courts.

It is a shame that you have to fight to give what is so badly needed, "love, careing, shareing" you are discriminated against and rejected, if you are "Black" to prevent you from exercising your responsibility as a citizen of these United States.

WAS THIS CASE GIVEN THE ATTENTION IT DEMANDS?

Under the extraordinary writ of Mandamus and Prohibition, I am seeking redress, asking my government to act promptly and resonsibly. Take the responsibility for agencies wrong doings. I ask the court not to judge me on the color of my skin, but by the contents of my character, make an equitable judgment, and honest judgment in this case. Order the harassment and discrimination to cease, prohibiting me from making any contribution to society, and achieving my goals.

This is an unusual case, rare, perhaps the first of its kind and it presents exceptional important circumstances and issues that demands the jurisdiction of this court. Because it could set precedent for all future cases of like nature to

follow, the petitioners demand that the laws governing this case be enforced. I demand to be examined on the facts and evidence presented in this law suit upon the records on which the courts judgment was founded.

I am being discriminated against by the courts, to use me as an example to set precedent for all other cases of nature to follow; to oppress and prosecute me and all other blacks that follows with a lawsuit for violations of constitutional rights against the government. I demand not to be used by the court as an example, to set precedent for all other "Blacks" and minority cases, to be suppressed by discriminatory practice in the courts. Therefore I demand a redress for these violations by my Government. I demand equal protection of the laws.

My case raises this important question. Are blacks excluded from participating in the economic structure of our country? And where pursuant to the economic opportunity act of 1964, the Small Business Administration, by the direction of Congress had as its primary goal the preservation of free, competitive enterprise in order to strengthen the nations economy, the answer rests on this case. Did the Small Business Administration violate that Act? I want an answer to this question, because that is what this case is all about. Am I free to choose my own destiny in life, to provide for my own livelihood in life, to participate in the economic structure of our country, if I desire. Was I free to participate in our free competative enterprise system as a Black citizen of the U.S., under the provisions of the Economic Opportunity Act of 1964, or have my constitutional rights been violated?

A DEMAND FOR JUSTICE

The "Blacks", poor and minorities would have been able to keep America's working under the provisions of the Economic Opportunity Act of 1964. We could produce on competative basis with the foreign produces, because we are not interested in big profits. We want to work, to keep our dignity and self respect, we want to earn our way instead of excepting government's handouts. I will not be forced to accept the social gimmicks when I have the abilities and skills to earn my own and be an asset to others. I demand my right to equal protection of opportunities under the laws. I had an established busines, employing 20 people. When they closed my business.

We have no road models of "blacks" in our economy, mass producers of anything. Therefore, this case represents more than just me on trial. It is all "Black" Americans who wants to enter the main stream of our economy on trial, being discriminated against, oppressed and persecuted to keep them down, and keep them out of the economic structure of our country.

I have appealed to the Congress of the United States, and to the Commanding Chief the President of the United States of America, The Department of Justice, The United States Attorney General, to intervene and order a redress for the Small Business Administration and the courts, tortious violations of my constitutional guaranteed rights, and violation of the laws. I demand redress for that which is rightly and justly mine by fact and by law. They made the laws to protect all citizens. I ask this court to order them to be enforced. Give me that which is justly and rightly mine.

I am a citizen of the United States and is protected under the laws thereof. I demand a redress from my Government for these violations. I will not allow the courts to condone and cover up the Small Business Administration's wrong

doings, of engaging in a conspiracy and fraud destroyed my business, my character, my profession and labeled me as being inexperience, lacking in management skills and qualification, charged, falsely I was delinquent in my loan notes to Small Business Administration to prevent me from obtaining capital from them or any other source. I demand to challenge the Defendant's Small Business Administration alleged charges in open court on the facts and exhibits presented by the Small Business Administration in this case and upon which the court's judgment was rendered. They will not make an example out of my case, and me and conseal the truth from the public.

The petitioner will present exhibits and evidence to this court establishing the truth and facts in this case, and will provide the same for any party. However, I believe all parties have seen and know I have the evidence and have been denied my right to present it in court.

CONCLUSION

The plantiff is a black woman who owned and operated a dress manufacturing and contracting business at 347 West 39th Street, New York, N.Y. I opened my business in May 1964. With my money, I made a job for myself and others, befor the Economic Opportunity Act of 1964 was passed to set up and aid minority businesses, I was already producing and employing 20 people.

This case is about economic, business, jobs, my business, a "Black" owned business, business opportunities and economic growth, and the Small Business Administration unlawfully discriminated against me, engaged in a conspiracy and fraud, destroyed my business profession, character and deprived me of all the opportunities and advantages provided for by the laws deprived me of economic growth. This suit was filed against the Small Business Administration for $500,000.00 in compensatory damages for each year I had been deprived of the opportunity to ear it for myself.

I have been oppressed and persecuted and deprived of my business for 20 years. I have been seeking justice in the courts for 10 years since 1976. The damages now totals over 10 million dollars for these deprivations and violation of my Constitutional Guaranteed Rights. I am suffering and I am denied redress because I am a "Black" women.

I pray the court will grant me the Redress and relief from the final judgment for these violations of constitutional rights. The petitioner prays this court will order the oppression and persecution cease; and order the Government to restore the petitioner's economic ability to grow and develop to the fullness of my potential. Order my Government to pay me compensatory damages for the obstruction of my livelihood, my business, depriving me of the opportunity to contribute to the economic and scientific growth and development of our country. I pray for redress from my Government. I have been so injuried by the defendant,

it is impossible for me to earn a living and pray for a prompt redress. The Department of Justice retained responsibility for this action when it was first filed in the U.S. District Court in 1976.

Dated June 11, 1985

Respectfully submitted,

Venola Walton
Petitioner, Plantiff-Apellant
539 West 148th Street, Apt. 6
New York, N.Y. 10031

Petitioner Representing Myself

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

September Term 1982
Civil Action No. 82-01604

United States Court of Appeals
for the District of Columbia Circuit

Filed: May 20, 1983

George A. Fisher, Clerk

No. 83-1013
Venola Walton, Appellant
v.
Small Business Administration

BEFORE: MacKinnon, Mikva and Edwards
Circuit Judges

ORDER

Upon consideration of appellee's Motion for Summary Affirmance, and both appellant's response and brief on the merits, it is

ORDERED by the Court that the motion is granted. The judgment of the District Court is hereby affirmed for the reasons given in that Court's memorandum opinion.

It is FURTHER ORDERED by the Court, *sua sponte*, that the Clerk shall withhold issuance of the mandate herein until seven days after the disposition of any timely petition for rehearing. *See* Local Rule 14, as amended on November 30, 1981.

Per Curiam

Circuit Judge Mackinnon did not participate in this order.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

September Term 1982
Civil Action No. 82-01604

United States Court of Appeals
for the District of Columbia Circuit

Filed: July 18, 1983

George A. Fisher, Clerk

No. 83-1013

Venola Walton, Appellant

v.

Small Business Administration, Appellee

BEFORE: Mikva and Edwards, Circuit Judges;
and MacKinnon, Senior Circuit Judge

ORDER

On consideration of the Petition for Rehearing of Appellant, filed June 30, 1983, it it

ORDERED by the Court that the aforesaid Petition is denied.

FOR THE COURT

George A. Fisher
Clerk

BY: s/ Robert A. Bonner
Robert A. Bonner
Chief Deputy Clerk

Circuit Judge MacKinnon did not participate in this Order.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Judith Bartnoff, AUSA

FILED: September 27, 1982

James E. Davey, Clerk

Civil Action No. 82-1604

Venola Walton, Plaintiff

v.

Small Business Administration, Defendant

MEMORANDUM

Now pending before the Court is plaintiff's Rule 60(b) motion for relief from the judgment of the United States District Court for the Southern District of New York dismissing for lack of jubject matter jurisdiction her claims of racial discrimination and defamation against the Small Business Administration.

Defendant has moved to dismiss for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6), respectively.

DISCUSSION

The related facts of the instant case date back to 1964 when plaintiff, operating a dress designing and manufacturing business under the name of Emygrant Fashions, applied for and received an SBA loan of $6,000.00. Pursuant to the loan agreement, plaintiff was obligated to pay monthly installments of $99.00 and to submit annual financial statements to the SBA. After failing to submit the required financial statements, allegedly *failing to pay a number of installments,* and after experiencing financial difficulties in operating her business, plaintiff, in 1965, applied to the SBA for refinancing. Such application was denied. Evidently, between 1965 and 1975 plaintiff attempted but failed to

secure a loan from various commercial lending institutions.

On August 11, 1975 plaintiff filed a complaint with the SBA alleging sex and race discrimination in denying her loan application which complaint was investigated by the agency and subsequently closed due to lack of requested documentation in 1976. On July 26, 1976 plaintiff instituted a sex and race discrimination action against the SBA in the United States District Court for the Southern District of New York.[1] On January 23, 1978 the Court dismissed the action pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure (FRCP) for lack of jurisdiction over the subject matter,[2] and pursuant to Rule 12(b)(6) of the FRCP for failure to state a claim upon which relief can be granted. This dismissal was affirmed without published opinion by the United States Court of Appeals for the Second Circuit on June 19, 1978. *Walton V. Small Business Administration,* 578 F.2d 1372 (2nd Cir. 1978). That Court denied plaintiff's petition for rehearing and suggestion of rehearing en banc on August 29, 1978. Plaintiff's appeal to the Supreme Court

[1]The complaint also apparantly alledged defamation.

[2]Plaintiff had failed to exhaust her administrative remedies. *See Swift v. United States,* 614 F. 2d 812, 814 (1st Cir. 1980).

was treated as a petition for *writ* of certiorari and denied on February 21, 1979. *Walton v. Small Business Administration,* 440 U.S. 901 (1979). The Supreme Court denied plaintiff's petition for rehearing on April 16, 1979. *Walton v. Small Business Administration,* 441 U.S. 917 (1979).

On January 22, 1982, plaintiff filed a motion for relief from judgment in the United States District Court for the Southern District of New York which was denied as untimely on March 10, 1982. By order of April 23, 1982, the Court treated further submissions by plaintiff as a motion for reargument, granted such motion, and subsequently, in affirming the prior order of March 10, 1982 denying plaintiff's motion, the Court stated:

Because plaintiff filed the motion for relief from judgment approximately four years after the Court dismissed her complaint, her motion premised on Fed. R. Civ. P. 60(b)(3) was clearly untimely and, therefore, was denied. Moreover, because plaintiff (1) did not file her motion within a reasonable time after the Court dismissed her complaint, and (2) has not presented to the Court a legitimate reason to justify relieving her from the operation of the judgment, her motion made pursuant to Rule 60(b)(6) was also denied. Nothing contained in plaintiff's latest submissions persuades the Court to change its ruling as expressed in the order dated March 10, 1982.

On June 10, 1982, plainfitt filed a Rule 60(b) motion for relief from judgment in this Court seeking the identical relief sought in the United States District Court for the Southern District of New York which was denied on March 10 and April 23, 1982. *Because her current complaint now pending before* this Court fails to assert any new evidence or justification, other than a vague allegation of fraud, which were not presented to the United States District Court for the Southern District of New York, that decision must be interpreted as *res judicata* with regard to her Rule 60(b) motion in this Court. *See American Surety Co. v. Baldwin,* 287 U.S. 156, 166 (1932).

Insofar as plaintiff's complaint in this Court is construed as an independent action seeking relief from judgment, the judgment of the United States District Court for the Southern District of New York of March 10 and April 23, 1982 is likewise *res judicata on the merits as an "independent action [for relief from judgment] cannot be made a vehicle for relitigation of issues." Bankers Mortgage Company v. United States,* 423 F. 2d 73, 79 (5th Cir.), *cert. denied,* 399 U.S. 927 (1979). For these reasons, plaintiff's complaint for relief from judgment must be dismissed with prejudice.

Judge

Date: September 23rd, 1982

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FILED: March 10, 1982
U.S. District Court, S.D. of N.Y.

ORDER

76 Civ. 3208 (JMC)
Pro Se

Venola Walton, Plaintiff
against
Small Business Administration, Defendant

CANNELLA, D.J.:

Plaintiff's motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b) is denied as untimely.

After receiving the affidavits and exhibits submitted by plaintiff, the Court concludes that she seeks relief from the Judgment entered by the Court on Janaury 23, 1978, because of "fraud . . . misrepresentation, or other misconduct of an adverse party." Fed. R. Civ. P. 60(b)(3). Such a motion, however, must be made within one year of the date of judgment. Because plaintiff filed the instant motion approximately four years after the Court dismissed her complaint, the instant motion is clearly untimely. Moreover, assuming plaintiff is seeking relief under some other subsection of Rule 60 (b), the Court finds that the motion was not filed within a reasonable time after judgment was entered, as required by the rule.

Accordingly, plaintiff's motion for relief from judgment is denied. Fed. R. Civ. P. 60(b).

SO ORDERED

Dated: New York, N.Y.
March 10, 1982

s/ John M. Canella
JOHN M. CANNELLA
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

76 Civ. 3208 (JMC)
Pro Se

Venola Walton, Plaintiff
against
Small Business Administration, Defendant

MEMORANDUM DECISION

CANNELLA, D.J.

Motion for summary judgment, Fed. R. Civ. P. 56(b), is granted as to the first claim in the complaint. Motion to dismiss for lack of subject matter jurisdiction, Fed. R. Civ. P. 12(b)(1), is granted as to the second claim. The complaint is dismissed.

Plaintiff Venola Walton, a black woman, brought this suit against the Small Business Administration ["SBA"] claiming that the agency's wrongful refusal to loan her money in 1965 and 1975 caused the failure of her dress-making business.[1] Specifically, the complaint alleges that such loans were denied plaintiff on the basis of her sex and race and that the defendant placed false documents in her SBA file. Defendant moves to dismiss the complaint for lack of subject matter jurisdiction and, alternatively, for summary judgment. As to the first claim, the Court finds, on the basis of the affidavits and supporting papers, that there are no material facts in issue and that defendant is entitled to judgment as a matter of law. As to the second allegation, the Court finds it is jurisdictionally defective because plaintiff failed to file *an administravie claim*. 28 U.S.C. § 2675(a). The Court further finds that all claims arising from plaintiff's 1965 loan application are time-barred. 28 U.S.C. § 2401(b).

Plaintiff's discrimination claim consists merely of the fact that she is a black woman and that,

1 In November 1964 plaintiff was granted an SBA loan in the amount of $6,000. In November 1965 plaintiff defaulted in her loan payments, and the Internal Revenue Service closed plaintiff's business for non-payment of federal taxes. Plaintiff contests the adequacy of the 6,000. SBA loan and the agency's failure to lend her additional monies when she applied for them. On two occasions, the SBA denied her a loan. Defendant's moving papers set out the circumstances under which these loan applications were denied, and it appears to the Court that the agency's decisions were substantially supported. See 5 U.S.C. § 706. In response to the Government's papers, plaintiff has not advanced even one fact suggestive of discrimination. In such a case, the awarding of summary judgment is appropriate. *E.g.*, Donnelly v. Guion, 467 F. 2d 290, 293 (2d Cir. 1972); Appelgate v. Top Assocs., Inc., 425 F. 2d 92, 96 (2nd Cir. 1970); see Fed. R. Civ. P. 56(e).

Plaintiff's second claim, that the SBA placed false and damaging documents in her file, must be dismissed for lack of subject matter jurisdiction due to plaintiff's failure to file an administrative claim. Fed. R. Civ. P. 12(b)(1); 28 U.S.C. § 2675(a). Additionally, insofar as the claim is one for defamation, the doctrine of sovereign immunity would act as a bar to suit, 28 U.S.C. § 2680(h), and the Court finds the claim to be plainly frivolous.

Plaintiff, like so many other persons, tried to make a go of her own business, and failed. For a variety of reasons, none of which involved plaintiff's race or sex, the SBA decided in its discretion that its funds should not be used to help fund her enterprise. In the absence of a showing tha the SBA's decision rested on improper criteria, its decision cannot be disturbed.

For the above reasons, defendant's motions are granted and the complaint is dismissed.

The foregoing constitute the findings of fact and conclusions of law of the Court pursuant to Fed. R. Civ. P. 52(a).

SO ORDERED.

s/John M. Cannella
JOHN M. CANNELLA,
U.S.D.J.

Dated: New York, N.Y.
January 17, 1978

UNITED STATES DISTRICT COURT JUDGMENT DATED JANUARY 23, 1978

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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76 Civil 3208 (JMC)

VENOLA WALTON,

Plaintiff,

-against-

THE SMALL BUSINESS ADMINISTRATION,

Defendant.

Defendant having moved the Court for summary judgment, pursuant to Rule 56, and pursuant to Rule 12(b)(1), of the Federal Rules of Civil Procedure, and the said motions having come on to be heard before the Honorable John M. Cannella, United States District Judge, and the Court thereafter on January 17, 1978, having handed down its memorandum decision, constituting its findings of fact and conclusions of law, and the Court having granted defendant's motions, it is,

ORDERED, ADJUDGED and DECREED: that Defendant THE SMALL BUSINESS ADMINISTRATION have judgment against plaintiff VENOLA WALTON dismissing the complaint.

Dated: New York, N.Y.
January 23, 1978

s/Raymond F. Burghardt
Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

76 Vic. 3208 (JMC)

Venola Walton, Plaintiff

v.

Small Business Administration, Defendant

MEMORANDUM IN OPPOSITION TO PLAINTIFF'S MOTION FOR RELIEF FROM A JUDGMENT

Plaintiff has filed a Motion for Relief of a Judgement pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. This memorandum is respectfully submitted by defendant Small Business Administration in opposition to that motion.

STATEMENT OF RELEVANT FACTS

The Judgment which plaintiff would have set aside was entered on January 23, 1982, some four years after entry of judgment dismissing plaintiff's complaint, and approximately 3 and ½ years from the time that judgment was affirmed with costs by the United States Court of Appeals for the Second Circuit.

Plaintiff's motion is apparently based upon a claim that the judgment in question was "based on fraud, misrepresentation, misappropriated exhibits, perjured testimony, and untrue and slanderous statements . . ." Walton Affidavit at 2.

ARGUMENT

PLAINTIFF'S MOTION IS UNTIMELY

Rule 60(b) of the Federal Rules of Civil Procedure provide in relevant part as follows:

> On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order or proceeding for the following reasons:

(3) Fraud (whether heretofore denominated instrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;

The motion shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than one year after the judgment, order or proceeding was entered or taken.

Plaintiff's Rule 60(b) motion finds whatever basis it may have in reason (3). It was, however, filed well without the one-year limitation period mandated by Rule 60(b). That time limit may not be extended under Rule 60(b), F.R. Civ. P. Accordingly, the motion is untimely and must be denied. See generally 11 Wright and Miller, *Federal Practice and Procedure* § 2866 at pp. 232-33, and cases there cited.

CONCLUSION

For the reason stated the motion should be denied in all respects.

Dated: New York, New York

Respectfully,

JOHN S. MARTIN, JR.
United States Attorney for the
Southern District of New York
Attorney for Defendant

JONATHAN A. LINDSEY
Assistant United States Attorney

- Of Counsel -

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Filed September 27, 1982

James F. Davey, Clerk

Civil Action No. 82-1604

Venola Walton, Plaintiff

v.

Small Business Administration, Defendant

ORDER

Upon consideration of plaintiff's complaint, defendant's motion to dismiss, plaintiff's opposition thereto, the memoranda in support thereof and in opposistion thereto, the entire record, and for the reasons hereinafter set forth in the accompanying memorandum, it is by the Court this *23rd* day of September, 1982,

ODERED that defendant's motion to dismiss be, and hereby is, granted; and it is further

ORDERED that plaintiff's complaint for relief from judgment be, and hereby is, dismissed with prejudice.

Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Filed November 29, 1982

James F. Davey, Clerk

Civil Action No. 82-1604

Venola Walton, Plaintiff

v.

Small Business Administration, Defendant

ORDER

Upon consideration of plaintiff's petition for reconsideration, the attachments appended thereto, the entire record herein, and it appearing that plaintiff has failed to present this Court with any grounds justifying a reconsideration of this Court's decision entered herein on September 27, 1982, and it further appearing that relief from the judgment of the United States District Court for the Southern District of New York, entered on January 23, 1978, is not warranted whether plaintiff's original submission is considered as a motion for relief from judgment pursuant to Rule 60(b)(6) of the Federal Rules of Civil Procedure or as an independent action seeking relief from judgment, it is by the Court this *24th* day of November, 1982.

ORDERED, that plaintiff's petition for reconsideration of this Court's decision entered herein on September 27, 1982 be, and hereby is, denied.

United States District Judge

539 West 148th Street, Apt. 6
New York, N.Y. 10031
October 15, 1975

Mr. Thomas S. Kleppe, Administrator
Small Business Administration
1441 L. Street, N.W.
Washington, D.C. 20416

Dear Mr. Kleppe,

I am writing in reference to a complaint I mailed to you by registered mail, on August 11, 1975. The complaint was against the S.B.A., charging discrimination. I received no reply. I then registered a letter to you requesting a return recepit, on September 10th, 1975.

I received a telephone call from Mr. Robert L. Maxwell on September 30th, and on October 10th, Mr. Maxwell sent me a report of his findings. His report contained many false statements that must be proven. He omitted many important facts that must be brought out, in order to make an honest judgment.

Therefore, Mr. Kleppe, I would like a hearing of this complaint, in order that all the facts can be presented.

I do hope you will review the complaint and deal with it justly, and if necessary, the opportunity for a hearing will be granted.

You immediate attention in this matter will be greatly appreciated.

Very truly yours,

Venola Walton

The Facts were not considered
In the Court's Decisions

The Small Business Administration intentionally discriminated against me, engaed in conspiracy and fraud to prevent a black woman from operating a successful business, participating in the economic growth of our country. The defendant's actions raise questions for review.

1. Why did the Small Business Administration demand that I get another jobber, when I had a jobber supplying me with work to the capacity of my shop?

2. Why did they hold my application for six months and not process the loan?

3. Why, after demanding that I get another jobber, when the work was already to come into my shop, the Small Business Administration would not let the work come into my shop?

4. Why, when my landlord wrote the SBA a letter, granting me generous time, for me to take the work in, and for the SBA to process the loan, they still did not allow the work to come into my shop? Nor process the loan.

5. There had not been any delinquents in the payments of my loan notes to SBA; why did the defendants, Small Business Administration, place a delinquent notice in my SBA file just three months after they had granted me a $6,000. loan?

6. And why did that notice remain in my SBA file for 10 years?

7. And, why was it issued by the Administrative office, given as a reason why my 1965 loan had been denied?

This action involves important Constitutional and public questions and requires the jurisdiction of this Court.

Whether the District Court lacked subject matter jurisdiction over claims.

Whether the Small Business Administration should have been granted leave to amend its answer and counterclaim to assert the statute of limitations as an affirmative defense, seven months after the first filing and shortly after moving to dismiss, and whether this case was subject to summary dismissal.

Whether the administrative office exercised its authoritative powers in the interest of my business, and whether I was given equal protection and opportunity as provided under the Economic Opportunity Act of 1964. The Samll Business Administration purposely denied me the opportunities and advantages that were available for minority, or just small businesses, during that period.

The defendant intentionally committed these unlawful acts against the plaintiff, a "Black" woman and closed her business to prevent her from being a part of the economic structure of our country, violated plaintiff's constitutional right to own and operate her business, deprived her of earning a living, and economic growth and development to the fullness of my potential.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

February 20, 1979

Ms. Venola Walton
539 West 148th Street
New York, N.Y. 10031

Re: Venola Walton
vs. Small Business Administration
No. 78-809

Dear Ms. Walton:

The Court today entered the following order in the above-entitled case:

The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ or certiorari, certiorari is denied.

Very truly yours,

Michael Rodak, Jr., Clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

April 16, 1979

Venola Walton
539 West 148th Street
New York, N.Y. 10031

Re: Venola Walton
vs. Small Business Administration
No. 78-809

Dear Ms. Walton:

The court today denied the petition for rehearing in the above-entitled case.

Mr. Justice Powell took no part in the consideration or decision of this petition.

Very truly yours,

Michael Rodak, Jr., Clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

February 21, 1984

Ms. Venola Walton
539 West 148th Street
New York, N.Y. 10031

Re: Venola Walton
vs. Small Business Administration
No. 83-709

Dear Ms. Walton:

The court today entered the following order in the above entitled case:

The petition for rehearing is denied.

Very truly yours,

Alexander L. Stevas, Clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

August 2, 1984

Ms. Venola Walton
539 West 148th Street
New York, N.Y. 10031

Re: Venola Walton
vs. Small Business Administration
No. [redacted] 83-709

Dear Ms. Walton:

In reply to your recent correspondence to The Chief Justice, I regret to inform you that the Court is unable to assist you in the matter which you present.

Under Article III of the Constitution, the jurisdiction of this Court extends only to the consideration of cases or controversies properly brought before if from lower courts in accordance with federal law and filed pursuant to the Rules of this Court. It is not possible to give advice or assistance or to answer questions on the basis of correspondence.

I regret we cannot be more helpful.

Very truly yours,

Alexander L. Stevas, Clerk

Sandra J. Elliott
Assistant Clerk